



DENISE L. PLUNKETT
114 WEST 47TH STREET
NEW YORK, NY 10036
212.728.2231
DPLUNKETT@AXINN.COM

MEMO ENDORSED

July 29, 2022

Hon. Kenneth M. Karas
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

Re: PharmacyChecker.com LLC v. National Association of Boards of Pharmacy, et al.
No. 19-cv-07577-KMK; Request for Briefing Schedule on Plaintiff's Motion to Strike

Dear Judge Karas,

We represent the Alliance for Safe Online Pharmacies and submit this letter on behalf of all Defendants in the above-captioned matter. We write to request a briefing schedule on Plaintiff's Motion to Strike Portions of Defendants' Submissions in Support of Summary Judgment [Dkt 273].

Plaintiff filed its motion to strike together on July 20, 2022 with its briefs opposing Defendants' motions for summary judgment and *Daubert* motion. Plaintiff did not file a pre-motion letter or otherwise seek permission to file a motion, as required by Local Rule 7.1 or Part II.A of Your Honor's Individual Rules of Practice Memorandum.

Assuming the motion to strike is proper, under the standard time permitted under the rules, Defendants' opposition would be due on August 3rd. However, Defendants' reply briefs on the pending summary judgment and *Daubert* motions already are due August 5, 2022. [Dkt 251]. In light of the limited period of time to prepare their reply briefs under the ordered briefing schedule, as well as the fact that counsel for ASOP (both Rachel Adcox and Denise Plunkett) currently are out of state for a trial and will not return until August 5th, Defendants requested an extension of time for their opposition to the motion to strike until August 17th. Defendants offered to provide Plaintiff whatever amount of time it requires for its reply brief on the motion to strike. Plaintiff refused to agree to any extension beyond August 10th for defendants' joint opposition brief. It also stated it only needs a week for its reply.

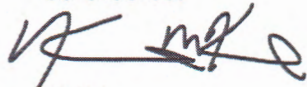
In light of ASOP's counsel's trial and travel schedule, pre-existing commitments of other defense counsel, and the overlap with the briefing schedule on the already pending motions, the additional time offered by Plaintiff is not sufficient. Accordingly, we respectfully ask that the Court set the briefing schedule requested by defendants, allowing defendants to file their joint opposition to plaintiff's motion to strike by August 17th, 2022 and Plaintiff to file its reply brief by August 24, 2022.

Thank you in advance for your consideration of this request.

July 29, 2022
Page 2

Defense request is reasonable, especially given the surprise motion from Plaintiff and defense counsel's schedule. Therefore the proposed revision to the briefing schedule is granted.

So Ordered.



8/1/22

Respectfully,

Denise L. Plunkett